

Chapter 12
Public Nuisances

12.09 Graffiti Removal

(Cr. #40-97)

(1) **PURPOSE AND INTENT.** The purpose and intent of this ordinance is to provide a procedure requiring the removal of graffiti from property within the City of Waukesha. Graffiti contributes to blight, deterioration to surrounding properties, and reduces the attractive physical qualities of neighborhoods, all to the detriment of the City; constitutes a public nuisance and must be abated promptly to avoid the detrimental impact of graffiti on the City, its residents and businesses and to protect the surrounding properties and neighborhoods.

(2) **DEFINITIONS.**

(a) Graffiti. The intentional marking, drawing or writing with paint, ink or another substance on, or the intentionally etching into the physical property of another without the other persons consent.

(b) Property. Any real or personal property and that which affixed, incidental or appurtenant to real property including but not limited to any premise, house, building, structure, fence, wall, sign or any separate part thereof whether permanent or not.

(3) **PUBLIC NUISANCE.** The existence of graffiti on any property within the City is expressly declared to be a public nuisance as it affects the public health, safety and welfare.

(4) **GRAFFITI PROHIBITED.** No owner of any property within the City may maintain or allow any graffiti to remain upon such property when the graffiti is visible from the street or other public or private property.

(5) **NOTIFICATION.**

(a) Notice to abate. Notwithstanding the provisions of Section 12.06 of the Waukesha Municipal Code, if it is determined by the Building Inspector or his/her authorized representative that graffiti exists on property in violation of this ordinance, the City shall in writing notify the owner of the property through the issuance of a Notice to Abate. The notice may be served on the owner or the owner's agent where an agent is in charge of the property in the manner provided for service of summons in the circuit court. If the owner or owner's agent cannot be found, the notice may be served by posting it on the main entrance to the property if the property is a building or house, otherwise in a conspicuous location on the property and by publishing it as a Class 1 notice under Chapter 985, Wis. Stats.

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(b) Contents of Notice. The notice shall identify the property affected, shall generally describe the location of the graffiti and direct that the graffiti be removed within thirty (30) days of receipt of the notice. If owner fails to remove graffiti within the time specified in the notice, the owner may be subject to a forfeiture as provided in subsection 6.

(6) PENALTY.

(a) Any person who violates this section shall be subject to a forfeiture of not less than \$25 nor more than \$500 together with the costs of prosecution. Each day in which a violation continues shall be determined a separate and distinct offense.

(b) A violation of this section exists on the date that the order or citation is issued and continues to exist until remedied.

(c) Payment of a monetary forfeiture does not relieve the owner or operator of the property of the duty to abate the graffiti nuisance.

(7) **OTHER REMEDIES.** In addition to the forfeitures provided for in Paragraph (6)(a) above, the City may commence a nuisance action in the Circuit Court of Waukesha County in accordance with Chapter 823, Wis. Stats., to abate a violation of this ordinance.